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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF SANTA CLARA

12 SAN JOSE POLICE OFFICERS'  
ASSOCIATION,

13 Plaintiff,  
14

15 v.

16 CITY OF SAN JOSE, BOARD OF  
ADMINISTRATION FOR POLICE AND  
FIRE RETIREMENT PLAN OF CITY OF  
17 SAN JOSE, and DOES 1-10 inclusive.

18 Defendants,  
19  
20

21 AND RELATED CROSS-COMPLAINT  
22 AND CONSOLIDATED ACTIONS  
23

) Case No. 1-12-CV-225926

) [Consolidated with Case Nos. 112CV225928,  
112CV226570, 112CV226574, 112CV227864]

) Assigned for all purposes to the Honorable Patricia  
M. Lucas

[PROPOSED] ORDER FOR JUDGMENT ON  
THE PLEADINGS

Date: January 29, 2013  
Time: 9:00 a.m.  
Courtroom: 2

Complaint Filed: June 6, 2012  
Trial Date: None Set

24 This matter came on regularly for hearing on January 29, 2013 before the Honorable  
25 Patricia M. Lucas, Judge of the Superior Court of California, County of Santa Clara. Arthur  
26 Hartinger and Linda M. Ross appeared on behalf of the Defendants City of San Jose and Debra  
27 Figone. Teague Peterson appeared on behalf of AFSCME and Gregg McLean Adam appeared on  
28 behalf of the San Jose Police Officers' Association.

1 The Court, having considered all papers filed in support and in opposition, and oral  
2 arguments, hereby GRANTS the motion by Defendant City of San Jose for judgment on the  
3 pleadings to dismiss with prejudice:

4 1) AFSCME's second (Bill of Attainder), fifth (Pension Protection Act), sixth (Right  
5 to Petition), and seventh (Illegal Tax) causes of action;

6 2) SJPOA's fourth (Right to Petition), fifth (Separation of Powers), and eighth  
7 (Pension Protection Act) causes of action; and,

8 3) all allegations of violation of California Civil Code Section 521, from the first  
9 through seventh causes of action filed by AFSCME and the first through fifth and eighth causes of  
10 action filed by the SJPOA. Further, this Court orders all references to Civil Code Section 52.1  
11 stricken from the complaints.

12  
13 Dated: January \_\_\_\_\_, 2013

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The Honorable Patricia M. Lucas  
San Jose Superior Court

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